

Highlands Borough Mayor & Council Meeting Minutes
Community Center, 22 Snug Harbor Avenue, Highlands
Wednesday, September 18, 2019 – Meeting Minutes

This meeting of September 18, 2019 is called pursuant to the provisions of the Open Public Meetings Law. This meeting of September 18, 2019 was included in a list of meetings notice transmitted to the Two River Times and the Asbury Park Press and posted on the bulletin board in the Municipal Building on September 16, 2019 and has remained continuously posted as the required notices under the Statute. In addition, a copy of this notice is and has been available to the public and is on file in the office of the Municipal Clerk. Official Action May be taken at this meeting.

Call to Order
Pledge of Allegiance

Roll Call

Council Member Braswell, Councilmember Broullon, Councilmember Mazzola and Council President Ryan and Mayor O'Neil were all Present

Also in attendance were Administrator Gonzales & Attorney Chabarek.

EXECUTIVE SESSION

WHEREAS, the Open Public Meetings Act P.L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and,

WHEREAS, this public body is of the opinion that such circumstances presently exist; and,

WHEREAS, the Governing Body wishes to discuss:

Attorney Client Privilege: Economic Development Advisory Committee
Highlands Business Partnership

Minutes will be kept and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes will be made public.

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council to go into Executive Session to discuss the above items and the public is excluded from this meeting.

Motion by: Mayor O'Neil

Second by: Council President Ryan

All in favor (Councilmembers Braswell, Broullon, Mazzola, Ryan and Mayor O'Neil)

None opposed

Council Entered Executive Session at 7:03 PM

REGULAR MEETING: 8:00PM

Call to Order

Roll Call

Council Member Braswell, Councilmember Broullon, Councilmember Mazzola and Council President Ryan and Mayor O'Neil were all Present

Also in attendance were Administrator Gonzales, Clerk Conlon, Engineer Rohrmeyer, Chief Financial Officer Deblasio, Police Chief Burton Attorney Chabarek.

Ordinances

Final Hearing and Adoption

ORDINANCE O-19-15

AN ORDINANCE ADDING SECTION 2-11.5 OF THE BOROUGH CODE TO ESTABLISH A CUSTODIAN OF RECORDS FOR THE FIRE DEPARTMENT

WHEREAS, pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq., a public agency can designate custodians of government records by formal action, and

WHEREAS, the governing body of the Borough of Highlands has determined that in order to be more responsive to requests for access to government records of the Fire Department, it is in the best interest of the Borough to add Section 2-11.5 to establish the position of a custodian of records for that Department.

NOW, THEREFORE, BE IT ORDAINED by the governing body of the Borough of Highlands as follows:

SECTION I.

Borough Code Section 2-11.5 "Custodian of Records" shall be added as follows:

2-11.5 Custodian of Records.

The Fire Department shall designate a Custodian of Records who shall have custody of and safely keep all records, books and documents of the Fire Department. Requests for public records of the Fire Department shall be directed to the Custodian of Records. The Custodian of Records shall be responsible for responding to requests for public records of the Fire Department.

**Highlands Borough Mayor & Council Meeting Minutes
Community Center, 22 Snug Harbor Avenue, Highlands
Wednesday, September 18, 2019 – Meeting Minutes**

SECTION II. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, which shall otherwise remain in full force and effect.

SECTION III. REPEALER. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION IV. EFFECTIVE DATE. This ordinance shall take effect immediately upon its passage and publication in accordance with law.

Introduction of Ordinance 19-15:

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRASWELL			X			
BROULLON		X	X			
MAZZOLA			X			
RYAN	X		X			
O'NEIL			X			

I, Matthew Conlon, RMC, Municipal Clerk of the Borough of Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body, at its Council Meeting, held September 4, 2019. WITNESS my hand this 19th day of September 2019.

Matthew Conlon, RMC
Municipal Clerk
Borough of Highlands, New Jersey

**Public Hearing, Final Reading and Adoption
Of Ordinance 19-15:**

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRASWELL			X			
BROULLON	X		X			
MAZZOLA			X			
RYAN		X	X			
O'NEIL			X			

I, Matthew Conlon, RMC, Municipal Clerk of the Borough of Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body, at its Council Meeting, held September 18, 2019. WITNESS my hand this 19th day of September 2019.

Matthew Conlon, RMC
Municipal Clerk
Borough of Highlands, New Jersey

Ordinances
Introduction and set public hearing

ORDINANCE O-19-16

**AN ORDINANCE ADDING SECTION 10-14 OF THE BOROUGH CODE TO ESTABLISH
REQUIREMENTS FOR BUSINESS CERTIFICATES OF OCCUPANCY**

WHEREAS, Chapter X of the Borough Code entitled Buildings and Housing regulates the construction standards for buildings in the Borough of Highlands, in accordance with the applicable State Statutes and the Rules and Regulations of the Department of Community Affairs; and

WHEREAS, the governing body of the Borough of Highlands has determined that it is in the best interest of the Borough to add Section 10-14 to provide requirements for business certificates of occupancy for non-residential structures whenever a change in occupancy occurs.

NOW, THEREFORE, BE IT ORDAINED by the governing body of the Borough of Highlands as follows:

SECTION I.

Borough Code Section 10-14 "Business Certificate of Occupancy" shall be added as follows:

10-14 BUSINESS CERTIFICATE OF OCCUPANCY.

10-14.1 New tenants or owners required to obtain business certificate of occupancy.

No premises or portion of premises of a commercial or industrial property, whether in a commercial or industrial zone or in a different zone by reason of a nonconforming use, shall be relet, re-rented or sold and thereafter occupied by a new tenant or owner without the appropriate application for and issuance of a business certificate of occupancy.

10-14.2 Application; review and inspection; fees; notice of requirement.

- a. The new owner or tenant of the premises about to be newly occupied or their respective agents shall apply to the Construction Official for a business certificate of occupancy and shall supply, as necessary information on said application, all facts relating to the nature of the new owner's or tenant's business, occupation or industry, the manufacturing or other processes involved and the

**Highlands Borough Mayor & Council Meeting Minutes
Community Center, 22 Snug Harbor Avenue, Highlands
Wednesday, September 18, 2019 – Meeting Minutes**

nature of all materials intended to be stored on the premises, to be part of said premises or pertinent to said new business use or occupation, with the form of application to be set by the Construction Official.

- b. Within ten (10) business days of receipt of said application, the Construction Official shall issue or deny the application after reviewing it and inspecting the building or structure with the Bureau of Fire Prevention Fire Official, Board of Health and other subcode officials as deemed necessary by the Construction Official to determine whether the premises comply with all of the provisions of this article or any other ordinance of this Township. If the building or structure, as intended to be used, meets the requirements hereof, the Construction Official shall forthwith issue a business certificate of occupancy. If the building or structure does not meet the requirements hereof, the Construction Official shall notify the applicant of the details in which the building or structure does not meet the requirements hereof. When such details have been perfected, the applicant shall notify the Construction Official, in writing, that the items have been corrected and reinspection shall be made with the certificate of occupancy being issued or denied within five business days of receipt of the notice of correction.
- c. A fee as set forth in Chapter 10, Section 10-2, Fees, shall be charged for the first inspection by the Building Department. Any reinspections, if required, shall be performed at a charge as set forth in Chapter 10, Section 10-2, Fees.

10-14.3 Responsibility of owners.

The owner or owners of all commercial and industrial premises shall be responsible, in addition to the perspective tenant, for notification to the Construction Official of the pendency of any new tenancy or ownership.

10-14.4 Violations and Penalties.

Any person adjudicated as having violated any provision of this article shall be subject to the penalties in Chapter 1, General, Section 1-5, of this Code.

SECTION II.

Borough Code Section 10-2.3 “Business Certificate of Occupancy” shall be added as follows:

10-2.3 Business Certificate of Occupancy.

Pursuant to Section 10-14, Business Certificate of Occupancy, the following fees are hereby established:

- a. First inspection by Department of Building and Inspections: \$225.
- b. Any subcode reinspection: \$50.

SECTION III. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, which shall otherwise remain in full force and effect.

SECTION IV. REPEALER. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION V. EFFECTIVE DATE. This ordinance shall take effect immediately upon its passage and publication in accordance with law.

Motion to Introduce Ordinance 19-16:

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRASWELL			X			
BROULLON		X	X			
MAZZOLA			X			
RYAN	X		X			
O’NEIL			X			

I, Matthew Conlon, RMC, Municipal Clerk of the Borough of Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body, at its Council Meeting, held September 18, 2019. WITNESS my hand this 4th day of October 2019.

Matthew Conlon, RMC
Municipal Clerk
Borough of Highlands, New Jersey

Resolutions

Consent Agenda Resolutions

A Motion was made to move all resolutions to the consent agenda except for Resolution R-19-243 & Resolution R-19-245

Introduced by: Mayor O’Neil

Seconded by: Council President Ryan

Ayes : Councilmember Braswell, Councilmember Broullon, Councilmember Mazzola, Council President Ryan, Mayor O’Neil.

**Highlands Borough Mayor & Council Meeting Minutes
Community Center, 22 Snug Harbor Avenue, Highlands
Wednesday, September 18, 2019 – Meeting Minutes**

Consent Agenda:

1. R-19-234 A Resolution Authorizing the Payment of Bills Pursuant to the Bill Pay List of September 13, 2019
2. R-19-235 A Resolution Appointing Permanent Full-Time Cashier, Deputy Municipal Clerk and Land Use Board Secretary
3. R-19-236 A Resolution Authorizing the Award of a Non Fair and Open Contract for Professional Engineering Services for the Improvements to Cornwell Street and John Street Project
4. R-19-237 A Resolution Authorizing the Award of a Non Fair and Open Contract for Professional Engineering Services for the Improvements to Shore Drive, 2nd Street and Cedar Street Project
5. R-19-238 A Resolution Designating a Public Agency Compliance Officer (P.A.C.O.)
6. R-19-239 A Resolution Appointing Part-Time School Crossing Guard
7. R-19-240 A Resolution of the Borough of Highlands Certifying Review of the Audit Report for the Year Ended December 21, 2018
8. R-19-241 A Resolution Approving the 2019 Audit Recommendation and Corrective Action Plan
9. R-19-242 A Resolution Authorizing Extending the Term of the Temporary Recreation Coordinator
10. R-19-244 A Resolution Approving a Request for Waiver of Alcohol Ban for Highlands Day at the Community Center and Snug Harbor Beach

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
BRASWELL			X			
BROULLON			X			
MAZZOLA		X	X			
RYAN	X		X			
O'NEIL			X			

ROLL CALL VOTE TO APPROVE THE
CONSENT AGENDA
(Resolutions 234, 235, 236, 237, 238, 239, 240, 241,
242, & 244)

I, Matthew Conlon, RMC, Municipal Clerk of the Borough of Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body, at its Council Meeting, held September 18, 2019

RESOLUTION 19-234

AUTHORIZING BILLS LIST

WHEREAS, certain numbered vouchers have been submitted to the Borough of Highlands for payment from a list, prepared and dated September 13, 2019, which totals as follows:

Current Fund	\$ 248,110.23
Sewer Account	\$ 13,040.61
Capital Fund	\$ 113,729.09
Trust-Other	\$ 15,538.53
Federal/State Grants	\$ 3,820.00
Total	\$ 394,238.46

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the vouchers, totaling \$394,238.46 be paid to the person[s] named, for the amounts set opposite their respective name[s], and endorsed and approved on said vouchers. An individual listing of all bills is posted on the borough website at www.highlandsborough.org and on file in the Municipal Clerk's office for reference.

RESOLUTION 19-235

RESOLUTION APPOINTING PERMANENT FULL-TIME CASHIER, DEPUTY MUNICIPAL CLERK, AND LAND USE BOARD SECRETARY

**Highlands Borough Mayor & Council Meeting Minutes
Community Center, 22 Snug Harbor Avenue, Highlands
Wednesday, September 18, 2019 – Meeting Minutes**

WHEREAS, the Mayor and Council of the Borough of Highlands have determined that, due to a vacancy, there is a need for a Permanent Full-Time Cashier and they wish to appoint Michelle Hutchinson to said position; and

WHEREAS, Ms. Hutchinson will also serve as Deputy Municipal Clerk, receiving a stipend for such for a term ending 12/31/2019; and

WHEREAS, Ms. Hutchinson will also serve as Land Use Board Secretary, receiving a stipend for such for a term ending 12/31/2019; and

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Highlands, that Michelle Hutchinson be and is hereby appointed to the position of Cashier and is hereby appointed Permanent Full-Time Cashier effective September 19, 2019.

BE IT FURTHER RESOLVED that as set forth above, and effective September 19, 2019, Michelle Hutchinson shall serve as Deputy Municipal Clerk and Land Use Board Secretary for terms ending 12/31/2019.

RESOLUTION 19-236

RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES FOR THE IMPROVEMENTS TO CORNWELL STREET AND JOHN STREET PROJECT (CONSTRUCTION ADMINISTRATION)

WHEREAS, the Borough of Highlands has a need for professional engineering services in connection with the improvements to Cornwell Street and John Street project pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, CME Associates has set forth its proposed services in a written proposal dated September 6, 2019, a copy of which is available at the office of the Borough Clerk; and

WHEREAS, the said proposal is for Construction Phase Services in connection with the project which includes the following:

- Attend preconstruction meeting;
- Prepare and distribute preconstruction meeting minutes;
- Provide assistance with interpretation of contract documents;
- Review shop drawings for site-related items;
- Provide construction observation services;
- Coordinate dewatering activities for storm and sanitary sewer installation;
- Coordinate testing of new sanitary sewer system;
- Manage project per NJDOT funding requirements;
- Prepare contractor punch lists; and
- Review and approve monthly progress pay estimates.

; AND

WHEREAS, the proposed amount of the contract with CME Associates for the aforesaid Construction Phase Services is \$67,800.00; and

WHEREAS, such professional engineering services can only be provided by licensed professionals and the firm of CME Associates, 1460 Route 9 South, Howell, New Jersey 07731 is so recognized; and

WHEREAS, the governing body has determined that it is in the best interest of the Borough to retain CME Associates for the proposed engineering services in connection with the improvements to Cornwell Street and John Street project set forth in its proposal; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$67,800.00 for professional engineering services as stated in CME Associates' proposal dated September 6, 2019; and

WHEREAS, CME Associates has completed and submitted a Business Entity Disclosure Certification which certifies that it has not made any reportable contributions to a political or candidate committee in the Borough of Highlands in the previous one year and that the contract will prohibit CME Associates from making any reportable contributions through the term of the contract; and

WHEREAS, CME Associates has completed and submitted a Political Contribution Disclosure form in accordance with P.L. 2005, c 271; and

WHEREAS, certification of availability of funds is hereby provided by the Chief Financial Officer of the Borough of Highlands;

I hereby certify that funds are available as follows:

Acct. Number C-04-19-101-000-202

Patrick DeBlasio, Chief Financial Officer

WHEREAS, the Local Public Contracts Law N.J.S.A. 40A:11-1 et. seq. requires that notice with respect to contracts for professional services awarded without competitive bids must be publicly advertised.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Highlands as follows:

**Highlands Borough Mayor & Council Meeting Minutes
Community Center, 22 Snug Harbor Avenue, Highlands
Wednesday, September 18, 2019 – Meeting Minutes**

1. CME Associates is hereby retained to provide engineering services in connection with the improvements to Cornwell Street and John Street project as described above in their proposal dated September 6, 2019, for an amount not to exceed \$67,800.00.
2. The contract is awarded without competitive bidding as a “Professional Service” in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a). The Mayor and Borough Clerk are hereby authorized to sign said contract.
3. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
4. The Borough Clerk is hereby directed to publish notice of this award as required by law.

RESOLUTION 19-237

RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES FOR THE IMPROVEMENTS TO SHORE DRIVE, 2ND STREET AND CEDAR STREET PROJECT (CONSTRUCTION ADMINISTRATION)

WHEREAS, the Borough of Highlands has a need for professional engineering services in connection with the improvements to the Shore Drive, 2nd Street and Cedar Street project pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, CME Associates has set forth its proposed services in a written proposal dated September 6, 2019, a copy of which is available at the office of the Borough Clerk; and

WHEREAS, the said proposal is for Construction Phase Services in connection with the project which includes the following:

- Attend preconstruction meeting;
- Prepare and distribute preconstruction meeting minutes;
- Provide assistance with interpretation of contract documents;
- Review shop drawings for site-related items;
- Provide construction observation services;
- Manage project per CDBG funding requirements;
- Conduct employee interviews as required by CDBG;
- Prepare contractor punch lists; and
- Review and approve monthly progress pay estimates.

; AND

WHEREAS, the proposed amount of the contract with CME Associates for Construction Phase Services is \$19,800.00; and

WHEREAS, such professional engineering services can only be provided by licensed professionals and the firm of CME Associates, 1460 Route 9 South, Howell, New Jersey 07731 is so recognized; and

WHEREAS, the governing body has determined that it is in the best interest of the Borough to retain CME Associates for the proposed engineering services in connection with the improvements to Shore Drive, 2nd Street and Cedar Street project set forth in its proposal; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$19,800.00 for professional engineering services as stated in CME Associates’ proposal dated September 6, 2019; and

WHEREAS, CME Associates has completed and submitted a Business Entity Disclosure Certification which certifies that it has not made any reportable contributions to a political or candidate committee in the Borough of Highlands in the previous one year and that the contract will prohibit CME Associates from making any reportable contributions through the term of the contract; and

WHEREAS, CME Associates has completed and submitted a Political Contribution Disclosure form in accordance with P.L. 2005, c 271; and

WHEREAS, certification of availability of funds is hereby provided by the Chief Financial Officer of the Borough of Highlands;

I hereby certify that funds are available as follows:

Acct Number: 9-01-99-999-200-225

Patrick DeBlasio, Chief Financial Officer

WHEREAS, the Local Public Contracts Law N.J.S.A. 40A:11-1 et. seq. requires that notice with respect to contracts for professional services awarded without competitive bids must be publicly advertised.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Highlands as follows:

5. CME Associates is hereby retained to provide engineering services in connection with the improvements to Shore Drive, 2nd Street and Cedar Street project as described above in their proposal dated September 6, 2019, for an amount not to exceed \$19,800.00.

**Highlands Borough Mayor & Council Meeting Minutes
Community Center, 22 Snug Harbor Avenue, Highlands
Wednesday, September 18, 2019 – Meeting Minutes**

6. The contract is awarded without competitive bidding as a “Professional Service” in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a). The Mayor and Borough Clerk are hereby authorized to sign said contract.
7. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
8. The Borough Clerk is hereby directed to publish notice of this award as required by law.

RESOLUTION 19-238

**RESOLUTION DESIGNATING A PUBLIC AGENCY COMPLIANCE OFFICER
(P.A.C.O.)**

WHEREAS, in accordance with N.J.A.C. 17:27-3.2 et. seq., each public agency shall annually designate an officer or employee to serve as its Public Agency Compliance Officer (P.A.C.O.); and

WHEREAS, the individual designated as the Public Agency Compliance Officer will be the point of contact for all matters concerning implementation and administration of the legal requirements of the Equal Employment Opportunity Monitoring Program; and

WHEREAS, the Public Agency Compliance Officer is also responsible for administering contracting procedures pertaining to equal employment regarding both the public agency and its service providers; and

WHEREAS, in accordance with N.J.A.C. 17:27-3.3, each public agency shall notify the State of New Jersey, Department of the Treasury, Division of Purchase & Property, Contract Compliance Audit Unit, EEO Monitoring Program of its designation by January 10th of each year; and

WHEREAS, the Borough wishes to designate Matthew Conlon, Borough Clerk, to serve as its Public Agency Compliance Officer for the calendar year 2019; and

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Highlands that Matthew Conlon is hereby designated to serve as its Public Agency Compliance Officer for the calendar year 2019.

RESOLUTION 19-239

**RESOLUTION APPOINTING PART-TIME SCHOOL
CROSSING GUARD**

WHEREAS, there exists a need within the Police Department to appoint a part-time crossing guard to cover open shifts; and

WHEREAS, it is the recommendation of the Chief of Police that Francesca Pippin be appointed; and

WHEREAS, the appointment is contingent upon the successful completion of a background investigation and physical examination;

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Highlands hereby appoints Francesca Pippin as a part-time crossing guard, contingent upon the successful completion of a background investigation and physical examination and effective September 19, 2019.

BE IT FURTHER RESOLVED, that said appointment be compensated at an hourly rate of \$10.00 per hour.

RESOLUTION 19-240

**RESOLUTION OF THE BOROUGH OF HIGHLANDS CERTIFYING REVIEW OF AUDIT
REPORT FOR THE YEAR ENDED DECEMBER 31, 2018**

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year ended December 31, 2018 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, N.J.S.A. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled “Comments and Recommendations”; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled “Comments and Recommendations”, as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

**Highlands Borough Mayor & Council Meeting Minutes
Community Center, 22 Snug Harbor Avenue, Highlands
Wednesday, September 18, 2019 – Meeting Minutes**

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of N.J.S.A. 52:27BB-52, to wit:

N.J.S.A. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Borough of Highlands, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

RESOLUTION 19-241

A RESOLUTION APPROVING THE 2019 AUDIT RECOMMENDATION AND CORRECTIVE ACTION PLAN

WHEREAS, the Audit for the year ending December 31, 2018 has been previously received and reviewed by the members of the Mayor and Borough Council, and

WHEREAS, any Recommendations of the Audit requires that a Corrective Action Plan be undertaken, and

WHEREAS, the Audit for the year ending December 31, 2018 did not contain any Recommendations.

NOW, THEREFORE BE IT RESOLVED that the Mayor and Members of the Borough Council hereby acknowledge that the Corrective Action Plan, does not contain any recommendations and does not apply to the December 31, 2018, Audit, as submitted by the Borough Administrator and Chief Finance Officer.

BE IT FURTHER RESOLVED that a certified copy of this Resolution is on file and available for inspection by the public in the office of the Borough Clerk and that the Borough Clerk is ordered to file a copy of this Resolution to the State of New Jersey.

RESOLUTION 19-242

RESOLUTION AUTHORIZING EXTENDING THE TERM OF THE TEMPORARY RECREATION COORDINATOR

WHEREAS, by Resolution 19-160, adopted June 5, 2019, the Borough of Highlands appointed Diane Knox as its Temporary Recreation Coordinator for a period of ninety (90) days; and

WHEREAS, the Borough of Highlands wishes to extend the appointment of Diane Knox for an additional ninety (90) days, expiring on December 2, 2019.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Highlands that the extension of the appointment of Diane Knox as Temporary Recreation Coordinator until December 2, 2019 is hereby approved.

RESOLUTION R-19-244

RESOLUTION APPROVING REQUEST FOR WAIVER OF ALCOHOL BAN FOR HIGHLANDS DAY AT THE COMMUNITY CENTER AND SNUG HARBOR BEACH

WHEREAS, the Borough of Highlands is conducting Highlands Day on September 28, 2019 from 3pm to 10pm at the Community Center and Snug Harbor Beach; and

WHEREAS, Borough Code, Chapter 3-12 sets forth, in part, that no person shall consume or possess in any open container, bottle, can, glass, cup or any other manner any alcoholic beverage upon any ... beach ... or in any public building, [or] public place; and

WHEREAS, a request has been made to waive the aforesaid prohibition in order to allow residents and guests to enjoy alcoholic beverages while at the Community Center and Snug Harbor Beach during Highlands Day, wherein alcohol will not be supplied or distributed by the Borough or any vendors participating in the event.

NOW THEREFORE BE IT RESOLVED, by the governing body of the Borough of Highlands, that a waiver of the aforesaid alcoholic beverages prohibition be and is hereby approved for Highlands Day on September 28, 2019 only and from the hours of 3pm to 10pm only, for residents and guests to be permitted to enjoy alcoholic beverages in a responsible manner at the Community Center and Snug Harbor Beach on a BYOB basis.

BE IT FURTHER RESOLVED, that nothing contained herein shall prevent police enforcement of any other state or local regulations related thereto.

BE IT FURTHER RESOLVED, that the Borough Clerk shall transmit a certified copy of this Resolution to the Chief of Police.

**Highlands Borough Mayor & Council Meeting Minutes
Community Center, 22 Snug Harbor Avenue, Highlands
Wednesday, September 18, 2019 – Meeting Minutes**

Resolutions

1. R-19-243 A Resolution approving a Person To Person and Place to Place Transfer of Liquor License 1317-33-024
2. R-19-245 A Resolution awarding a Fair and Open Contract for the Improvements to Cornwell Street and John Street Project

RESOLUTION 19-243

A RESOLUTION APPROVING A PERSON TO PERSON AND PLACE TO PLACE TRANSFER OF LIQUOR LICENSE 1317-33-024

WHEREAS, an application has been filed for a Person to Person transfer of Plenary Retail Consumption License 1317-33-024, from, to Kelly’s Pub & Grub, LLC. to Nichole Caruso, for a pocketed license without a premise; and,

WHEREAS, the submitted application form is complete in all respects, as outlined in N.J.S.A.33:1-1 et seq., an Affidavit of Publication has been received by the Municipal Clerk and the transfer fees have been paid; and,

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the Highlands Police Department has investigated the applicant and the source of all funds to be utilized in connection with the purchase and operation of the business, and the results meet ABC standards; and,

WHEREAS, a Tax Clearance Certificate has been received from the Division of Taxation; and,

WHEREAS, the applicant is qualified to be licensed per Title 33 of the New Jersey Statutes and all rules and regulations promulgated there under, in addition to pertinent Borough Ordinances, and

WHEREAS, an application has also been filed for a place-to-place transfer of Plenary Retail Consumption License 1317-33-024 heretofore issued to Kelly’s Pub and Grub, LLC for premises located at 128 Bay Avenue, Highlands, New Jersey 07732; and

WHEREAS, the location meets ABC and Municipal requirements; and,

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Highlands, New Jersey does hereby approve, effective September 18, 2019, the person-to-person transfer of the aforesaid Plenary Retail Consumption License to Nichole Caruso and the place-to-place transfer of the aforesaid Plenary Retail Consumption License from its former location as a pocketed license without a premises to 128 Bay Avenue, Highlands, New Jersey 07732, and does hereby direct the Municipal Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to Nichole Caruso at the premises located at 128 Bay Avenue, Highlands, New Jersey, 07732, effective September 18, 2019"

	INTRODUC	SECOND	AYE	NAY	ABSTAIN	ABSENT
BRASWELL					X	
BROULLON		X	X			
MAZZOLA			X			
RYAN	X		X			
O’NEIL			X			

I, Matthew Conlon, RMC, Municipal Clerk of the Borough of Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body, at its Council Meeting, held September 18, 2019

RESOLUTION 19-245

RESOLUTION AWARDING A FAIR AND OPEN CONTRACT FOR THE IMPROVEMENTS FOR GRAND TOUR CONCRETE IMPROVEMENTS

WHEREAS, by way of Resolution 19-228, duly adopted August 21, 2019, the Borough authorized the Project Engineer, CME Associates, to solicit bids for Grand Tour Concrete Improvements project; and

WHEREAS, five (5) proposals were received for the aforesaid Grand Tour Concrete Improvements and reviewed by the Project Engineer; and

WHEREAS, the following bids were received:

Contractor	Bid Price
Seacoast Construction	\$107,875.00

**Highlands Borough Mayor & Council Meeting Minutes
Community Center, 22 Snug Harbor Avenue, Highlands
Wednesday, September 18, 2019 – Meeting Minutes**

A. Takton Concrete \$120,435.00
Discover Construction \$124,275.00

WHEREAS, Seacoast Construction. appears to be the lowest responsible bidder for the aforesaid Proposal; and

WHEREAS, the Project Engineer, CME Associates, has made the recommendation that Seacoast Construction be awarded the project, subject to the availability of funds by the Chief Financial Officer of the Borough of Highlands as well as submission of the required bonds and insurance certificates for the project; and

WHEREAS, a certification of funds is hereby provided by the Chief Financial Officer of the Borough of Highlands.

I hereby certify funds are available as follows
C-0418-101-000-201:

Patrick DeBlasio, Chief Financial Officer

NOW, THEREFORE, BE IT RESOLVED, by the Borough of Highlands governing body that the Contract for the Grand Tour Concrete Improvements is hereby awarded to Seacoast Construction in the amount of \$107,875.00, subject to the submission of the required bonds and insurance certificates for the project.

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
BRASWELL			X			
BROULLON		X	X			
MAZZOLA			X			
RYAN	X		X			
O'NEIL			X			

Councilmember Ryan exited the meeting at 8:20 pm due to illness

Report of the Borough Administrator Kim Gonzales

Administrator Gonzales informed Council of the demolition of the Buildings at 151 and 159 Navesink Avenue. The administrator also gave updates that bus stop structure is scheduled to be built by September 30, that Cornwell Drainage and Sanitary Project have begun, that CDBG Project is scheduled to begin in two weeks. Administrator Gonzales also spoke about the Borough switching to the county 911 system and that the conversion went well. The Administrator also noted that Highlands Day is scheduled for Saturday September 28th 3pm-9pm with live entertainment and activities. In conclusion the Administrator noted that the plans for the new municipal building will be uploaded to the website once a separation of sensitive material is concluded prior to uploading.

Report of the Borough Engineer Douglas Rohrmeyer

Engineer Rohrmeyer spoke on the Grand Tour project bid for 2000 linear feet of curb and driveway improvements prior to the street paving post natural gas line replacements. Engineer Rohrmeyer also spoke with regard to the Cornell and John Street projects with the beginning of de-watering and sewer system improvements. The improvements should take 4 to 5 weeks total. Next Engineer Rohrmeyer spoke about CDBG projects at shore anticipated to start on or about September 30th.

Report of the Chief of Police Robert Burton

Chief Burton discussed the change over from the current Borough Nine One One System to the County system on September 9, 2019 at 10 AM. Chief Burton restated that there would be no delay or interruption in services. This weekend there will be detours and street closures which will be posted in advance.

Public Comment

Claudette D'Arrigo of Seadrift Avenue Ms. D'Arrigo made comments regarding a shared services agreement between Highlands and Seabright for lifeguards on Highlands beaches in exchange for use of street cleaning equipment for the summer of 2017 which she was a part of setting up prior to the

**Highlands Borough Mayor & Council Meeting Minutes
Community Center, 22 Snug Harbor Avenue, Highlands
Wednesday, September 18, 2019 – Meeting Minutes**

administration of Mayor O’Neil and Ms. Gonzales becoming administrator. Ms. D’Arrigo wanted to make it clear who was and was not a part of that process citing the names of the members of the council and the former mayor who put the agreement together. Ms. D’Arrigo also spoke to the issue of the new borough hall contract. She wanted to make it clear that it was not one individual who signed the contract but the mayor and council as a whole.

Kim Skorka of Shore Drive Ms. Skorka made a comment that the new dispatch system seems to route you to county dispatch when you call the local number. Ms. Skorka asked if there would be a local number residents can call. Ms. Skorka indicated her full support for the police department. Ms. Skorka indicated that on the morning of September 17 she was again almost hit by a car and would like to see more enforcement on yielding to pedestrians, speeding and failure to obey stop signs. Ms. Skorka indicated that she has read the minutes going back 10 years and that there are a number of complaints and would like to see speed bumps in crosswalks to abate the motor vehicle violations.

Steve Solop of Bay Avenue Mr. Solop indicated that he was under the belief that a council member used public funds to run an event at a private business. Mr. Solop requested answers about advertising costs and other expenses in the general ledger for the Highlands Business Partnership.

Mayor O’Neil indicated that he would forward the requests for information through the proper channels. as closed.

Motion to Adjourn


	INTRODUC	SECOND	AYE	NAY	ABSTAIN	ABSENT
BRASWELL			X			
BROULLON			X			
MAZZOLA		X	X			
RYAN						X
O’NEIL	X		X			

The business of the Borough being concluded

VOTE TO ADJOURN
ALL IN FAVOR, NONE OPPOSED

I, Matthew Conlon, RMC, Municipal Clerk of the Borough of Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body, at its Council Meeting, held September 16, 2019

I, Matthew Conlon, RMC, Municipal Clerk of the Borough of Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body, at its Council Meeting, held August 21, 2019

Approve: 
Richard W. O’Neil, Mayor

Attest 
Matthew Conlon, RMC, Borough Clerk